

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AETNA HEALTH, INC., a Washington
Corporation; and AETNA LIFE INSURANCE
COMPANY, a Connecticut Corporation, on
behalf of itself and its self-insured plans,

Plaintiffs,

v.

SAMUEL ROSS FOX, M.D., an Individual;
KATHERINE M. FOX, an Individual;
COTTONWOOD FINANCIAL SERVICES,
L.C., a Utah Limited Liability Company;
WASHINGTON MUTUAL BANK, a
Washington Corporation; DISTRICT
DIRECTOR-INTERNAL REVENUE
SERVICE; and all other person or parties
unknown claiming any right, title, estate, lien or
interest in the real estate described in the
Complaint,

Defendants.

No. 3:09-cv-05647 RBL

ORDER ON MOTION OF SAMUEL
ROSS FOX, M.D. FOR STAY OF
PROCEEDINGS [Dkt. #19]

This matter is before the Court on Defendant Samuel Ross Fox, M.D.'s Motion for Stay of Proceedings [Dkt. #19]. Fox requests that the court stay all proceedings pending Aetna's compliance with the requirements of the Washington Homestead Act, including appraisal of Fox's property. Fox argues that no court can impose a judicial execution in Washington until a judgment creditor has complied with the requirements of the Homestead Act, Chapter 6.13 RCW.

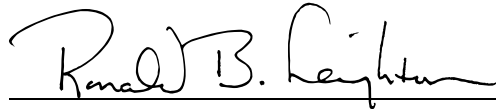
1 Aetna argues that there is no judgment¹ to execute upon until it has obtained a judgment
2 from a federal court, and that once Aetna obtains a judgment from this court it will take the
3 appropriate steps.

4 This court intends to follow the procedures dictated by Chapter 6.17 RCW. It will not
5 issue a writ of execution until various requirements under the Washington Homestead Act have
6 been fulfilled. However, there is no compelling reason to stay the case while Aetna files and
7 serves the appropriate affidavit as required under RCW 6.17.100.

8 The Motion of Samuel Ross Fox, M.D. for Stay of Proceedings [Dkt. 19] is DENIED.

9 **IT IS SO ORDERED.**

10 Dated this 27th day of July, 2010.

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13 RONALD B. LEIGHTON
14 UNITED STATES DISTRICT JUDGE
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28 ¹ It should be noted that Aetna already has a Superior Court judgment against Fox. This case is
apparently an effort to execute on that judgment.